

#### REMARKS

Applicant respectfully requests favorable reconsideration of this application, as amended.

As a preliminary matter, the objection to the abstract is traversed. Applicant respectfully notes that the present application is a National Stage Entry, and a copy of the cover page (which includes the abstract) of the published international application was filed upon national stage entry. As the present application is a National Stage Entry, it is improper to require an abstract commencing on a separate sheet. Therefore, withdrawal of the objection is respectfully requested.

By this Amendment, Claims 1, 3, and 4 have been amended to clarify the invention intended to be claimed; Claims 2, 5, and 6 have been amended for clarity; and Claims 7-13 have been added.

In the outstanding Office Action, Claim 1 was rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Le Scolan, Claims 4 and 6 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Keating, Claim 2 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Holden in view of Le Scolan, Claim 3 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Le Scolan in view of Holden, and Claim 5

was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Keating in view of Mauritz.

Turning first to independent Claim 2, Applicant respectfully traverses the rejection.

Claim 2, for example, recites a system for transmitting bit synchronous data through a packet-based network comprising, *inter alia*, a first node including measurement hardware to generate a clock frequency measurement of the bit synchronous data and an accuracy indicator, wherein the accuracy indicator is a period of time for measuring the number of counts.

The Office Action rightfully acknowledges that Holden fails to teach or suggest the foregoing feature of Claim 2. Le Scolan, however, fails to cure Holden's deficiency in this respect.

Specifically, Le Scolan discloses determining a difference between transmission start times  $t'_A$  and  $t_A$  for two consecutive data frames, where  $t_A$  is the start time determined for the previous of the two data frames. See Le Scolan, col. 12, lines 37-44; col. 13, lines 52-60. An offset amount based on the above-noted difference is transmitted to a second node, Node B. *Id.*, col. 14, lines 1-29.

In contrast to Applicant's claimed accuracy indicator, which is a period of time for measuring the number of counts, Le Scolan's "offset" amount is based on a differential measurement of two start times for different data frames.

Accordingly, Le Scolan fails to teach or suggest the aforementioned feature of Claim 2.

As to independent Claims 1 and 3, without acceding to the rejections, these claims have been amended to clarify the invention intended to be claimed. Similar to Claim 2, independent system Claim 1 now recites that a first node is configured to calculate an accuracy indicator of the measured clock frequency, wherein the accuracy indicator is a time duration of measurement. Likewise, independent method Claim 3 now recites determining an accuracy indicator for the frequency measurement at the first node, wherein the accuracy indicator is a time duration of measurement.

For reasons similar to those provided above for Claim 2, the collective disclosures of Le Scolan and Holden fail to teach or suggest the foregoing features of Claims 1 and 3.

Regarding independent Claim 4, without acceding the associated rejection, this claim also has been amended to clarify the invention intended to be claimed. As now set

forth in Claim 4, a method of determining a frequency of a transmitting clock at the second receiving node comprises the steps of, *inter alia*, identifying a first predetermined number of packets in a plurality of received packets that have the shortest total transmission times, the first predetermined number of packets identified being greater than one.

Keating fails to teach or suggest the foregoing feature of Claim 4, as Keating discloses storing only one loopback delay - the lowest loopback delay value.

The Mauritz reference used as a secondary reference to reject dependent Claim 5 fails to cure Keating's deficiency.

In view of the foregoing, the claims are believed to distinguish patentably from the applied references.

A Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (A-10047) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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